

ENTERED

March 09, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MELVIN GAMBLE, JR.,
(TDCJ-CID #1851818)

Petitioner,

vs.

LORIE DAVIS,

Respondent.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION H-18-0145

MEMORANDUM ON DISMISSAL

The petitioner has failed to pay a fee of \$5.00, as required by the court's order entered February 5, 2018. (Docket Entry No. 5). The order specifically provided that failure to comply as directed may result in the dismissal of this action. The petitioner's failure to pay the filing fee forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, FEDERAL PRACTICE § 41.51(3)(b) & (c) (3d ed. 1998). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on March 9, 2018.


VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE